

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSHI TECHNOLOGIES
INTERNATIONAL, INC.,

Plaintiff,

v.

No. 2:15-cv-00467-KG-CG

CHI ENERGY, INC.,

Defendant.

ORDER SELECTING AND APPOINTING THE SPECIAL MASTER


The Court held a telephonic pretrial conference on September 21, 2017, in which the Court vacated the trial date and determined it necessary to appoint a Special Master prior to trying the case. (Doc. 79). The Special Master will assist the Court and parties in determining what assignments were made, the value of such assignments, and any potential damages. *Id.*

The parties, having had notice and an opportunity to be heard, each have proposed candidates for this appointment. The Court considered the candidates' background and expertise, interviewed the candidates, and spoke to individual references. Based on these considerations, the Court now APPOINTS Tim Smith, of Don Ray George & Associates, Inc., 1604 Rio Grande, Austin, Texas 78701, as Special Master. Mr. Smith's appointment is contingent on him filing with this Court an affidavit disclosing whether there is any ground for disqualification under 28 U.S.C. § 455. The parties shall have seven (7) days after Mr. Smith's filing of his affidavit to object to his appointment based on his disclosed information.

The Court makes this appointment pursuant to Fed. R. Civ. P. 53 and the inherent authority of the Court. *See Sibley v. Spirit Nextel Corp.*, 298 F.R.D. 683, 685 n.3 (D. Kan. 2014)

(“Beyond the provisions of [Fed. R. Civ. P. 53] for appointing and making references to Masters, a Federal District Court has the inherent power to supply itself with this instrument for the administration of justice when deemed by it essential.”) (internal quotation marks omitted) (citing *Schwimmer v. United States*, 232 F.2d 855, 865 (8th Cir. 1956)). The Court finds it appropriate to appoint a Special Master in this matter to objectively value the interests claimed in this litigation. In doing so, the Special Master will serve as an unbiased and objective advisor to the Court, providing honest evaluations of the interests in this litigation with an eye towards helping the Court in its determination of issues of law and fact. The Special Master will proceed with all reasonable diligence. After consulting with the Special Master, the Court will enter an order of reference detailing the scope of his duties, the term of appointment, his authority, and compensation.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE